



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,204	06/26/2001	Naoyuki Fujisawa	1538.1015	9335

21171 7590 12/13/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

LAstra, DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,204

Applicant(s)

FUJISAWA ET AL.

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/15/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 have been examined. Application 09/891,204 has a filing date 06/26/2001 and foreign data 02/22/2001.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Meuronen (U.S. 6,473,622).

As per claim 1, Meuronen teaches:

A method for transferring a communication fee, comprising the steps of:

registering into a transmitting information storage device, information regarding destination users, a sender, and a particular packet data to be sent (see column 1, lines 16-33; column 3, lines 35-42);

when a terminal of said destination user registered in said transmitting information storage device performs a processing to receive packet data, charging said destination user for said packet data (see column 1, lines 1-16; column 5, lines 1-15);
and

transferring fee charged to said destination users for said particular packet data, to said sender registered in said transmitting information storage device, by using a receiving status data for said particular packet data to be received by said terminals of said destination users registered in said transmitting information storage device (see column 2, lines 60-67; column 7, lines 14-24).

As per claim 2, Meuronen teaches:

The method set forth in claim 1, further comprising a step of:

charging said sender for said particular packet data when said particular packet data is transmitted to the destination users registered in said transmitting information storage device (see column 7, lines 13-24).

As per claim 3, Meuronen teaches:

The method set forth in claim 1, wherein said registering step comprises the step of:

registering information regarding said sender and said particular packet data to be sent into said transmitting information storage device; and registering information regarding said destination users into said transmitting information storage device (see column 3, lines 35-42; column 7, lines 13-24).

As per claim 4, Meuronen teaches:

The method set forth in claim 3, wherein said step of registering information regarding said destination users includes a step of registering information regarding said destination users that is acquired in response to an access by said terminals of said destination users (see column 6, lines 19-36).

As per claim 5, Meuronen teaches:

The method set forth in claim 1, wherein said transferring step comprises the steps of:

performing a processing to exempt particular destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device from the charge for said particular packet data (see column 5, lines 1-15); and

performing a processing to charge said sender registered in said transmitting information storage device for a fee of said particular packet data for said particular destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device (see column 7, lines 13-25).

As per claim 6, Meuronen teaches:

The method set forth in claim 3, wherein said transferring step further comprises the steps of:

acquiring data regarding said particular packet data which does not reach (see column 7, lines 13-25); and

specifying destination users who is confirmed to have performed said processing to receive said particular packet based on said data regarding said packet which does not reach (see column 7, lines 13-25).

As per claim 7, Meuronen teaches:

A program stored on a storage medium for causing a computer to transfer a communication fee, said program comprising the steps of:

registering into a transmitting information storage device, information regarding destination users, a sender, and a particular packet data to be sent;

when a terminal of said destination user registered in said transmitting information storage device performs a processing to receive packet data, charging said destination user for said packet data; and

transferring fee charged to said destination users for said particular packet data, to said sender registered in said transmitting information storage device, by using a receiving status data for said particular packet data to be received by said terminals of said destination users registered in said transmitting information storage device. The same rejection applied to claim 1 is applied to claim 7.

As per claim 8, Meuronen teaches:

The program set forth in claim 7, further comprising a step of:

charging said sender for said particular packet data when said particular packet data is transmitted to the destination users registered in said transmitting information storage device. The same rejection applied to claim 2 is applied to claim 8.

As per claim 9, Meuronen teaches:

The program set forth in claim 7, wherein said registering step comprises the step of:

registering information regarding said sender and said particular packet data to be sent into said transmitting information storage device; and registering information

regarding said destination users into said transmitting information storage device. The same rejection applied to claim 3 is applied to claim 9.

As per claim 10, Meuronen teaches:

The program set forth in claim 9, wherein said step of registering information regarding said destination users includes a step of registering information regarding said destination users that is acquired in response to an access by said terminals of said destination users. The same rejection applied to claim 4 is applied to claim 10.

As per claim 11, Meuronen teaches:

The program set forth in claim 7, wherein said transferring step comprises the steps of:

performing a processing to exempt particular destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device from the charge for said particular packet data; and
performing a processing to charge said sender registered in said transmitting information storage device for a fee of said particular packet data for said particular destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device. The same rejection applied to claim 5 is applied to claim 11.

As per claim 12, Meuronen teaches:

The program set forth in claim 9, wherein said transferring step further comprises the steps of.

acquiring data regarding said particular packet data which does not reach; and
specifying destination users who is confirmed to have performed said processing to receive said particular packet based on said data regarding said packet which does not reach. The same rejection applied to claim 6 is applied to claim 12.

As per claim 13, Meuronen teaches:

A system for transferring a communication fee, comprising:

means for registering into a transmitting information storage device, information regarding destination users, a sender, and a particular packet data to be sent;

means for charging said destination user for said packet data when a terminal of said destination user registered in said transmitting information storage device performs a processing to receive packet data; and

means for transferring fee charged to said destination users for said particular packet data, to said sender registered in said transmitting information storage device, by using a receiving status data for said particular packet data to be received by said terminals of said destination users registered in said transmitting information storage device. The same rejection applied to claim 1 is applied to claim 13.

As per claim 14, Meuronen teaches:

The system set forth in claim 13, further comprising:

means for charging said sender for said particular packet data when said particular packet data is transmitted to the destination users registered in said

transmitting information storage device. The same rejection applied to claim 2 is applied to claim 14.

As per claim 15, Meuronen teaches:

The system set forth in claim 13, wherein said means for registering comprises:

first means for registering information regarding said sender and said particular packet data to be sent into said transmitting information storage device; and

first means for registering information regarding said destination users into said transmitting information storage device. The same rejection applied to claim 3 is applied to claim 15.

As per claim 16, Meuronen teaches:

The system set forth in claim 16, wherein said second means for registering includes means for registering information regarding said destination users that is acquired in response to an access by said terminals of said destination users. The same rejection applied to claim 4 is applied to claim 16.

As per claim 17, Meuronen teaches:

The system set forth in claim 13, wherein said means for transferring comprises:
means for performing a processing to exempt particular destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device from the charge for said particular packet data; and

means for performing a processing to charge said sender registered in said transmitting information storage device for a fee of said particular packet data for said

particular destination users whose terminals are confirmed to have performed said processing to receive said particular packet data among said destination users registered in said transmitting information storage device. The same rejection applied to claim 5 is applied to claim 17.

As per claim 18, Meuronen teaches:

The system set forth in claim 15, wherein said means for transferring further comprises:

means for acquiring data regarding said particular packet data which does not reach; and

means for specifying destination users who is confirmed to have performed said processing to receive said particular packet based on said data regarding said packet which does not reach. The same rejection applied to claim 6 is applied to claim 18.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Malackowski teaches an access free wireless telephony fulfillment service system.
- Angles teaches a system for delivering customized advertisements within interactive communication systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

Art Unit: 3622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
December 6, 2004

Raquel Alvarez
Primary Examiner
AU 3622